

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILFREDO BALCE,

Plaintiff,

v.

LUCKY CHANCES, INC.,

Defendant.

No. C 07-01090 JSW

**COURT'S INTENDED VOIR DIRE
FOR PANEL**

STATEMENT OF THE CASE

Plaintiff Wilfredo Balce was employed by Defendant Lucky Chances, Inc. from November 17, 2003 until December 19, 2006. Lucky Chances classified Mr. Balce as an "exempt" employee under the executive exemption and therefore Mr. Balce was not paid overtime. Mr. Balce contends he should have been treated as a non-exempt employee. He filed this lawsuit seeking to recover wages for overtime he worked. He also seeks to recover for missed meal periods and rest breaks. It is Lucky Chance's burden to show that Mr. Balce's employment was exempt under the executive exemption.

QUESTIONS FOR THE PANEL

1. Has any member of the panel heard or read anything about the case?
2. As I indicated, my name is Jeffrey S. White. Do any of you know me?
3. My courtroom deputy is Jennifer Ottolini and my Law Clerks are Daisy Salzman, Melissa Goldberg, and Kristin Ring. Do any of you know any of these people?

1 4. Have any of you ever served as a juror in a criminal or a civil case or as a member of a
2 grand jury in either a federal or state court? If yes, please state the following:

3 a) How many times?

4 b) When?

5 c) Were you a foreperson?

6 d) What type of case was it?

7 e) How did you feel about your jury service?

8 g) Without stating the result, did the jury reach a verdict?

9 5. Have any of you or an immediate family member ever been a party to a lawsuit, other
10 than divorce proceedings?

11 6. Have any of you or anyone in your immediate family had any training in the law?

12 7. Do you have feelings about gambling or gambling institutions that would make it
13 difficult for you to serve as a fair and impartial juror in this case?

14 8. What is your experience with gambling?

15 9. What is your experience with gambling institutions?

16 10. Have you or anyone in your immediate family been employed as a security guard? If
17 yes, please give details.

18 11. Have you or anyone in your immediate family supervised security guards? If yes, please
19 give details.

20 12. Have you or anyone in your immediate family worked where security guards were
21 employed? If yes, give details.

22 13. Have you ever worked in a job where you were considered exempt but you believe you
23 should have been an hourly employee? If yes, give details.

24 14. Have you or anyone in your immediate family complained about being regarded as an
25 exempt employee instead of an hourly employee? If yes, give details.

26 15. Have you or anyone in your immediate family to you been accused of wrongfully
27 classifying an employee as exempt instead of hourly? If yes, give details.
28

- 1 16. Have you or anyone in your immediate family worked for the same employer as both an
2 hourly and an exempt employee? If yes, give details.
- 3 17. Do you believe there are reasons why an employee would prefer to be exempt, such as
4 higher wages, the opportunity to manage and advance, and greater freedom?
- 5 18. In your work experience, have exempt employees generally made more money than
6 hourly employees? If so, please give details.
- 7 19. In your work experience, have supervisors generally been regarded as exempt
8 employees?
- 9 20. Several witnesses were formerly employed in law enforcement. Do you have feelings
10 about people in law enforcement that would make it difficult for you to serve as a fair
11 and impartial juror in this case?
- 12 21. Is there anything else that you would like to bring to the Court's attention (e.g., health
13 problems, hearing problems, difficulty understanding English, personal bias, financial
14 problems, etc.) that might affect your ability to be an effective, fair and impartial juror?
15

16
17 Dated: August 8, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE